

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TAKEDA PHARMACEUTICAL
COMPANY LIMITED, TAKEDA
PHARMACEUTICALS NORTH
AMERICA, INC., TAKEDA
PHARMACEUTICALS LLC,
TAKEDA PHARMACEUTICALS
AMERICA, INC., and ETHYPHARM,
S.A.,

Plaintiffs,

v.

ZYDUS PHARMACEUTICALS USA
INC. and CADILA HEALTHCARE
LIMITED,

Defendants.

CIVIL ACTION NO:
3:10-CV-01723-JAP-TJB

[PROPOSED] ORDER

THIS MATTER having come before this Court upon the motion of Defendants Zydus Pharmaceuticals, USA, Inc. and Cadila Healthcare, Limited (collectively “Zydus”) for reconsideration of the Court’s October 5, 2011 Order and Opinion on claim construction, and the Court having reviewed the record and good cause having been shown:

IT IS on this _____ day of _____, 2011

ORDERED THAT:

1. Defendant Zydus's Motion for Reconsideration of Claim Construction is hereby **GRANTED**;

2. The Court's October 5, 2011 Order and Opinion is amended to adopt Zydus's proposed construction of the term "fine granules having an average particle diameter of 400 μm or less" in respect to the '994 patent;

3. The claim term "400 μm or less" is construed to mean "fine granules up to and including the enteric coating layer having an average particle diameter of 400 μm ($\pm 3\%$) or less."

4. The Court's October 5, 2011 Order and Opinion is amended to adopt Zydus's proposed construction of the term "wherein the average particle diameter of the fine granule is 300 to 400 μm " in respect to the '994 patent;

5. The claim term "wherein the average particle diameter of the fine granule is 300 to 400 μm " is construed to mean "wherein the average particle diameter of the fine granule is 300 to 400 μm ($\pm 3\%$)."

6. The Court's October 5, 2011 Order and Opinion is amended to adopt Zydus's proposed construction of the term "fine granules having an average particle diameter of 300 to 400 μm " in respect to the '942 patent; and

7. The claim term "fine granules having an average particle diameter of 300 to 400 μm " is construed to mean "fine granules up to and including the enteric

coating layer and mannitol coating layer outside the enteric coating layer having an average particle diameter of 300 to 400 μm ($\pm 3\%$).”

Honorable Joel A. Pisano, U.S.D.J.